IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 17908 of 2006

Dated 13th October, 2006

Between

Vindhya Valley High School (English Medium),
Jagitial Road, Karimnagar, Karimnagar District,
Rep. By Smt. R.Lakshmi

…..Petitioner

and

Government of AP, School Education Department,
Rkep. By its Prl. Secretary to Government
Secretariat, Hyderabad. And ors.

….Respondents.

…Respondents

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 17908 of 2006

ORDER:

In this Writ Petition, the petitioner seeks Writ of Mandamus to declare the action of the respondents in not renewing recognition for the petitioner-school, for the academic year 2006-2007 as illegal and arbitrary.

It is the case of the petitioner that the petitioner-school is being run by the management of Ramavarapu Educational Society in the premises belonging to fifth respondent in the Writ Petition. It is the further case of the petitioner that no orders have been passed by the respondents on the representation of the petitioner for renewing recognition for the current academic year 2006-2007, only on the ground that the petitioner is not having valid and lawful lease of the premises.

It is submitted by Sri Mehar Chand Nori, learned Counsel appearing for the petitioner that as per the Rules framed under G.O.Ms.No. 41, dated 11-5-2006, the petitioner need not show lawful possession at the time of renewal of recognition.

On other hand, it is submitted by Sri A.Sudershan Reddy, learned Counsel appearing for the fifth respondent that in this case, lease was only for a period of three years; in that view of the matter, the petitioner is not having valid lease and as such not entitle for renewal of recognition.

It is not in dispute that the application filed by the petitioner is pending consideration before the competent authority. Though it is stated in the affidavit filed in support of the Writ Petition, that renewal of recognition is not granted only on the ground that the petitioner is not having valid lease, but however, it is to be seen that no orders have been passed after considering as to the said requirement by the competent authority. Even for renewal of recognition, whether there is valid lease in force or not is a matter to be considered by the competent authority. In that view of the matter, without going into the merits of the case and rival contentions, I dispose of the Writ Petition

directing the respondent/competent authority to consider the request of the petitioner for grant of renewal and pass appropriate orders. However, if the fifth respondent is having any objection, it is open for him to put-forth his objection before the competent authority within two weeks from today. It is need less to observe that if any objections are filed by the owner of the premises, i.e. fifth respondent, the competent authority shall consider and pass appropriate orders while disposing of the representation of the petitioner, which is pending consideration seeking renewal of recognition for the current academic year 2006-2007. The competent authority shall pass orders within four weeks from today and communicate the same to the parties.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 13-10-2006
Msnr.